

COASTAL CONSERVANCY

Staff Recommendation
April 24, 2008

MOFFETT FIELD BAY TRAIL IMPROVEMENTS

File No. 07-063-03
Project Manager: Moira McEnespy

RECOMMENDED ACTION: Authorization for the Association of Bay Area Governments (ABAG) to disburse up to sixty-three thousand two hundred fifty dollars of previously-authorized Conservancy funds to the San Francisco Bay Wildlife Society to improve a segment of the San Francisco Bay Trail through the Alviso pond complex at the U.S. Fish and Wildlife Service-Don Edwards San Francisco Bay National Wildlife Refuge (the Moffett Field Bay Trail segment).

LOCATION: U.S. Fish and Wildlife Service Alviso pond complex, Santa Clara County (see exhibits 1-2)

PROGRAM CATEGORY: San Francisco Bay Conservancy Program

EXHIBITS

- Exhibit 1: [Project Location Map](#)
 - Exhibit 2a: [Project Location Map – South Bay Salt Pond Restoration Project pond complexes](#)
 - Exhibit 2b: [Project Location Map – Alviso pond complex](#)
 - Exhibit 3: [Project Site Map - Project Trail Segment](#)
 - Exhibit 4: [Staff Recommendation of September 20, 2007](#)
 - Exhibit 5: [Letters of Support](#)
 - Exhibit 6: Final Environmental Impact Report/Statement for the South Bay Salt Pond Restoration Project, on a separate CD provided to the Conservancy and available at the Conservancy meeting. Also at <http://www.southbayrestoration.org/EIR/>.
-

RESOLUTION AND FINDINGS:

Staff recommends that the State Coastal Conservancy adopt the following resolution pursuant to Sections 31160 *et seq.* of the Public Resources Code:

“The State Coastal Conservancy hereby authorizes the Association of Bay Area Governments (ABAG) to disburse an amount not to exceed sixty-three thousand two hundred fifty dollars

(\$63,250) of the total Conservancy funds authorized on September 20, 2007, to the San Francisco Bay Wildlife Society for improvement of approximately 2.4 miles of the San Francisco Bay Trail through the Alviso pond complex at the U.S. Fish and Wildlife Service- Don Edwards San Francisco Bay National Wildlife Refuge (USFWS Refuge) in Santa Clara County, subject to the following conditions:

1. Prior to the disbursement of funds, ABAG shall submit for the review and approval of the Executive Officer of the Conservancy a final work program, schedule and budget, and a grant agreement between ABAG and the San Francisco Bay Wildlife Society.
2. ABAG shall ensure installation of signs identifying the trail segment and acknowledging the Conservancy and displaying its logo in a manner approved by the Executive Officer.
3. In carrying out the project, ABAG shall ensure compliance by the San Francisco Bay Wildlife Society with all project actions and components that are identified as needed to reduce or avoid significant environment effects in the Final Environmental Impact Statement/Environmental Impact Report for Phase I of the South Bay Salt Pond Restoration Project (EIS/R) certified by the California Department of Fish and Game on March 11, 2008 pursuant to the California Environmental Quality Act (CEQA), and accompanying the project staff recommendation as Exhibit 6. In particular, ABAG shall require the San Francisco Bay Wildlife Society to assure implementation of an additional study designed by the USFWS and the South Bay Salt Pond Restoration Project lead scientist that will ensure that waterfowl will not be significantly impacted by the opening of this Moffett Field Bay Trail segment to public access. This study shall be consistent with the Adaptive Management Plan contained in Appendix D of the Final EIS/R. ABAG shall ensure that the San Francisco Bay Wildlife Society does not commence any of the Conservancy-funded trail improvements for the Moffett Field Bay Trail site until this study has commenced.
4. ABAG shall provide documentation during the course of the project that the required project actions including the biological resources study have been implemented by or on behalf of the San Francisco Bay Wildlife Society.”

Staff further recommends that the Conservancy adopt the following findings:

“Based on the accompanying staff report and attached exhibits, the State Coastal Conservancy hereby finds that:

1. The proposed project is consistent with the Project Selection Criteria and Guidelines, last updated by the Conservancy on September 20, 2007.
2. The proposed authorization is consistent with the purposes and objectives of Chapter 4.5 of Division 21 of the Public Resources Code, regarding the San Francisco Bay Conservancy.
3. The Conservancy has independently reviewed the EIS/R certified by the California Department of Fish and Game on March 11, 2008 pursuant to CEQA and finds that changes have been made in the proposed Conservancy project or its operating conditions to avoid, reduce or mitigate the possible significant environmental effects and that, accordingly, there is no substantial evidence that the proposed Conservancy project may have a significant effect on the environment.”

PROJECT SUMMARY:

Staff recommends that the State Coastal Conservancy authorize ABAG to disburse up to sixty-three thousand two hundred fifty dollars (\$63,250) of the total Conservancy funds authorized on September 20, 2007 (up to \$3,000,000 to ABAG to develop and implement projects to extend the San Francisco Bay Trail, known as “SF Bay Trail Block Grant #4”) to the San Francisco Bay Wildlife Society for improvement of approximately 2.4 miles of the San Francisco Bay Trail through the Alviso Pond Complex at the USFWS Refuge in Santa Clara County (the Moffett Field Bay Trail segment, see Exhibits 1-3). The project is a part of Phase I of the larger South Bay Salt Pond (SBSP) Restoration Project.

The proposed Moffett Field Bay Trail Improvements Project consists of improving the Bay Trail along the USFWS Refuge’s inner (landward) pond levee, linking the Sunnyvale Baylands with the Mountain View Shoreline. Opening a trail segment to fill this gap in the Bay Trail has been a priority for ABAG and the Bay Trail project since 1991, but until now has been infeasible due to adjacent salt-making activities and security concerns (the site is located adjacent to NASA property). In 2003, however, State and Federal agencies acquired 16,500 acres of former salt ponds from Cargill Salt Company, including the Alviso pond complex (shown in Exhibit 2), launching the SBSP Restoration Project and enabling new opportunities for public access. The first phase of the restoration project includes improving and opening this Moffett Field Bay Trail segment. Specific project tasks will include placing gravel along portions of the trail consistent with the existing U.S. Army Corps of Engineers permit for pond maintenance activities, and installing four gates to limit access to private lands and sensitive habitat areas, a limited number of regulatory and interpretive signs and two benches. Work will be completed in 2008.

The Moffett Field Bay Trail Improvements project is an interim action intended to provide immediate Bay Trail access to this area with limited improvements and amenities. In the long-term, the Moffett Field Bay Trail segment’s alignment will be redesigned and incorporated as part of an updated flood protection levee. The proposed Moffett Field Bay Trail Improvements project will enable immediate access using the existing levee until the flood control portion of the project is ready to be constructed, which may be many years out. The future retrofitted trail segment will be paved or otherwise designed to meet the Caltrans Class I bikeway standards.

Site Description: The proposed project will be constructed within the Alviso pond complex in Santa Clara County, acquired by the U.S. Fish and Wildlife Service as part of the South Bay Salt Pond Restoration Project. The proposed trail segment will connect the Mountain View area to the Sunnyvale area by opening an existing levee on USFWS property. The levee is bordered by ponds A2E, A2B, and A3W, and Moffett Federal Air Field (see Exhibits 2-3).

Project History: The proposed project is part of Phase I of the South Bay Salt Pond Restoration Project, for which the Conservancy facilitates long-term restoration planning. The proposed project is also a San Francisco Bay Trail project, and is thus consistent with and proposed for funding under the SF Bay Trail Block Grant #4 authorization of September 20, 2007 (see Exhibit 4).

PROJECT FINANCING:

Coastal Conservancy	\$63,250
Coastal Conservancy (in-kind staff time-environmental review, planning)	50,000
South Bay Salt Ponds Project (in-kind staff time-permits)	40,000
US Navy (in-kind donation/time to gravel levee)	30,000
USFWS (in-kind staff time-project planning and construction)	10,000
NASA (in-kind contribution-outlet pipe, fence work)	5,000

Total Project Cost	\$198,250

The Conservancy's contribution will consist of a portion of a \$3,000,000 Conservancy authorization of September 20, 2007, for SF Bay Trail Block Grant #4. Conservancy funds are anticipated to come from the "Safe Drinking Water, Water Quality and Supply, Flood Control, River and Coastal Protection Bond Act of 2006" (Proposition 84). These funds are available for all the purposes of the Conservancy, including the San Francisco Bay Conservancy Program and are appropriate for the funding of improvements to the SF Bay trail as detailed in the staff recommendation of September 20, 2007 (Exhibit 4).

CONSISTENCY WITH CONSERVANCY'S ENABLING LEGISLATION:

The proposed project is consistent with Chapter 4.5 of Division 21 of the Public Resources Code, sections 31160 *et seq.* regarding San Francisco Bay projects.

Consistent with Section 31162(a), the Conservancy will award a grant to conduct a project (the Moffett Field Bay Trail project) that will improve public access to and around the bay, and help complete a regional trail system (the San Francisco Bay Trail). Consistent with Section 31163(c), the proposed authorization will be used for funding an outdoor recreational project that is supported by an adopted regional plan (see the "Consistency with the San Francisco Bay Plan" section), serves a regional constituency, can be implemented in a timely way, and includes matching contributions from other sources of funding or assistance.

**CONSISTENCY WITH CONSERVANCY'S 2007
STRATEGIC PLAN GOAL(S) & OBJECTIVE(S):**

Consistent with **Goal 11, Objective E**, the proposed project consists of constructing approximately 2.4 miles of the San Francisco Bay Trail.

CONSISTENCY WITH CONSERVANCY'S PROJECT SELECTION CRITERIA & GUIDELINES:

The proposed project is consistent with the Conservancy's Project Selection Criteria and Guidelines, last updated on September 20, 2007, in the following respects:

Required Criteria

1. **Promotion of the Conservancy's statutory programs and purposes:** See the "Consistency with Conservancy's Enabling Legislation" section above.
2. **Consistency with purposes of the funding source:** See the "Project Financing" section above.
3. **Support of the public:** See letters of support in Exhibit 5.
4. **Location:** The proposed project is located on the Bay Trail alignment, along the Bay shoreline.
5. **Need:** The proposed will not be constructed absent Conservancy participation.
6. **Greater-than-local interest:** The Bay Trail is a regional trail network that will be approximately 500 miles in length when completed. This authorization will help further the completion of the trail, of which some 230 miles have been completed to-date.

Additional Criteria

13. **Realization of prior Conservancy goals:** See "Project History" above."
15. **Cooperation:** The proposed project is supported by federal and state agencies, and the South Bay Salt Ponds Project. Please see project contributions in the "Project Financing" section.

CONSISTENCY WITH THE SAN FRANCISCO BAY PLAN:

Promoting public access opportunities along the bay shoreline is consistent with the Public Access Policies of the San Francisco Bay Plan, adopted by Bay Conservation and Development Commission. Policy Number 8 states that access to and along the waterfront should be provided by walkways, trails, or other appropriate means and connect to the nearest public thoroughfare where convenient parking or public transportation may be available. Diverse and interesting public access experiences should be provided which would encourage users to remain in the designated access areas to avoid or minimize potential adverse effects on wildlife and their habitat. The proposed project is consistent with this policy.

Policy Number 10 states that federal, state, regional and local jurisdictions, special districts and the Bay Commission should cooperate to provide appropriately-sited, designed and managed public access, especially to link the entire series of shoreline parks, regional trail systems and existing public access areas to the extent feasible without additional Bay filling and without significant adverse effects on Bay natural resources. Closing gaps between existing public access areas is a high priority for funding. The proposed project is consistent with this policy, as the proposed project is part of the first phase of the South Bay Salt Ponds Project, and provides another link in the Bay Trail.

COMPLIANCE WITH CEQA:

In order to comply with the California Environmental Quality Act (CEQA) and the National Environmental Policy Act (NEPA), the U.S. Fish & Wildlife Service (USFWS) and the California Department of Fish and Game (CDFG), in cooperation with the Conservancy, the U.S. Army Corps of Engineers (ACOE), the Santa Clara Valley Water District, and the Alameda County Flood Control and Water Conservation District, prepared a joint Environmental Impact Statement/Environmental Impact Report (EIS/R) for Phase I of the SBSP Restoration Project to evaluate the potential environmental impacts of the proposed project. The EIS/R (Exhibit 6) was certified by the CDFG on March 11, 2008 pursuant to CEQA.

This environmental document is both a programmatic environmental impact assessment covering the 50-year long-term SBSP Restoration Plan as well as a project-level environmental impact assessment addressing the specific components and implementation of Phase I. The EIS/R evaluates three program-level, long-term restoration alternatives as well as project-level Phase I actions. The three long-term restoration scenarios include the following: 1) Alternative A, the No Action Alternative; 2) Alternative B, the Managed Pond Emphasis Alternative (50:50 tidal habitat : managed ponds by area); and 3) Alternative C, the Tidal Emphasis Alternative (90:10 tidal habitat : managed ponds by area). These long-term restoration alternatives include habitat, flood management and recreation and public access components, and represent potential “end states” at Year 50 of the SBSP Restoration Project. The Phase I project-level actions include, among others, the Moffett Field Bay Trail improvements.

Conservancy staff anticipates bringing implementation of the larger SBSP Restoration Project for the Conservancy Board’s consideration in Fall 2008. Likely components will include an implementation Memorandum of Understanding, implementation management tasks, additional studies, and some additional Phase I on-the-ground restoration and public access actions. Although the Moffett Field Bay Trail Improvements Project is one of the Phase I components, given that it is ready to move forward now, Conservancy staff is asking the Board to consider the Moffett Field Bay Trail Improvements Project separately at this time.

In discussing the Phase I Project-level potential impacts of the Moffett Field Bay Trail Improvements Project, it should first be noted that in 1994, the ACOE issued a permit to Cargill Salt Company for pond maintenance, including maintenance of levees and access roads on levees (ACOE Permit No. 19009S). When the ponds were acquired by the CDFG and the USFWS in 2003, the permit was amended to allow the two agencies to continue maintenance of the ponds. Furthermore, the CDFG and the USFWS analyzed routine pond maintenance in the 2004 EIR/S issued for the Initial Stewardship Plan (ISP) for the acquired ponds. Therefore, when discussing the potential impacts of the Moffett Bay Trail Improvements Project, the placement of gravel on various portions of the trail (which also serves as a maintenance access road) is covered by the conditions of the existing ACOE pond maintenance permit and the ISP EIS/R. The only other potential impacts associated with the Moffett Field Bay Trail Improvements Project are those relating to installation of four gates to limit access to private lands and sensitive habitat

areas, a limited number of regulatory and interpretive signs and two benches; and the changes in use brought about by opening this trail segment to the public.

Traffic, Short-Term. As stated above, installation of gravel on various portions of the trail is covered by the conditions of the existing ACOE pond maintenance permit and the ISP EIS/R. The EIS/R discusses potential impacts from the entire Phase I Project, and does not discuss traffic related only to installation of the proposed gates, signs and benches. However, traffic volume related to installation of these improvements will consist of only one or two trips, and will thus be negligible.

Traffic, Long-Term. The EIS/R finds that provision of the Phase I recreational facilities in the Alviso Pond area is not anticipated to result in a substantial increase in traffic relative to the traffic volume of the local traffic network because use of these facilities would likely occur mostly during the weekends, and outside of morning and afternoon peak commute traffic hours. The EIS/R concludes that due to the timing of typical access of these facilities and the distribution of vehicular traffic on area roadways accessing the project site, potential impacts associated with long-term Phase I Project recreational operations would be less than significant.

Regarding potential increase in parking demand (referenced as SBSP Impact 3.12-3), the EIS/R states that although operation of the new recreational facilities is expected to result in an increase in vehicular traffic and associated parking demand, because the Bay Trail segment would offer a continuation of an existing amenity rather than a new recreational destination or new type of activity, access to the trail would not be concentrated at the new connection points. Parking spaces currently offered at Mountain View Shoreline Park, City of Sunnyvale Water Pollution Control Plant, and along streets are expected to accommodate new users. Furthermore, additional parking is available west and east of the proposed trail at the Shoreline Amphitheatre Overflow parking lot (more than 200 parking spaces) and Sunnyvale Baylands Park (more than 200 spaces).

Air Quality, Short- and Long-Term. As stated above, installation of gravel on various portions of the trail is covered by the conditions of the existing ACOE pond maintenance permit and the ISP EIS/R. The EIS/R discusses potential impacts from the entire Phase I Project, and does not discuss air quality related only to installation of the proposed gates, signs and benches. However, there are no short-term impacts anticipated from installation of these improvements, nor are any long-term impacts to air quality anticipated. The EIS/R states that neither construction-generated nor long-term annual operational emissions of ROG (reactive organic gases), NO_x (nitrogen oxides), and CO (carbon monoxide) would exceed the applicable de minimis or regionally significant thresholds. Therefore, the Phase 1 actions would conform to the applicable air quality standards.

Recreational Resources. The Phase I project-level evaluation of recreational resources contained in Section 3.7 of the EIS/R concludes that Phase I actions will be “less than significant” with respect to “[p]rovision of new public access and recreation facilities, including the opening of new areas for recreational purposes and completion of the Bay Trail spine” (referenced as Phase I Impact 3.7-1) and will have “no impact” with respect to “[p]ermanent removal of existing recreational features (trails) in locations that visitors have been accustomed to using and that would not be replaced in the general vicinity of the removed feature” (listed as Phase I Impact 3.7-2).

Biological Resources. Section 3.6 of the EIS/R, relating to biological resources, discusses in its program-level evaluation “potential recreation-oriented impacts to sensitive species and their habitats” (referenced as SBSP Impact 3.6-18). Section 3.6 states that “[i]ncreased recreational use and the maintenance of trails and recreational facilities has the potential to disturb wildlife, trample vegetation, decrease nesting success, increase predation, increase the introduction of non-native species, and decrease habitat quality,” and that “[u]ltimately such impacts could result in decreases in the abundance of breeding, foraging and roosting wildlife.” Section 3.6 states in its project-level evaluation of the Moffett Field Bay Trail Improvement Project that “[t]he ponds adjacent to the Stevens Creek-Sunnyvale trail do not support substantial numbers of birds that are sensitive to human disturbance,” that the project includes measures to minimize impacts to the western pond turtles known to exist in the project vicinity (near Moffett Federal Airfield), and that “[a]lthough increased recreational access has the potential to impact sensitive species and their habitats [as discussed in the program-level evaluation], these effects would be monitored and managed [via an Adaptive Management Plan],” implementation of which “...would further ensure that impacts to sensitive species and their habitats do not reach significant levels.”

The Adaptive Management Plan is intended to be incorporated into any project, as applicable.. Contained in Appendix D of the EIS/R, the Adaptive Management Plan specifies four separate studies to determine whether increased public access will significantly affect birds and other target species (will measure number, species richness and behavior of target species), identifies management triggers (statistically-significant changes in abundance, species richness, behavior; or reductions in abundance or density), and provides potential management actions should a trigger be met (adjust trail/access designs; restrict or redirect the access). These studies were designed for the entire Phase I SBSP Project. Only one of the four studies is applicable to the proposed Moffett Field bay trail segment.

The applicable study is intended to determine the effect of trail use on waterfowl, and has already commenced. However, USFWS and the SBSP lead scientist have determined that more study (in the form of further assessment that is specifically targeted to the proposed trail segment)) will be needed in conjunction with opening the Moffett Field bay trail segment to the public. The Conservancy is thus imposing the condition that ABAG require the San Francisco Bay Wildlife Society to assure implementation of an additional study designed by the USFWS and the SBSP lead scientist, and appropriate to ensuring that biological resources will not be significantly impacted by opening the Moffett Field bay trail segment to the public. This additionally-required study shall be included as part of the Adaptive Management Plan, and ABAG shall require that the San Francisco Bay Wildlife Society not commence any of the Conservancy-funded trail improvements for the Moffett Field Bay Trail site until this study has commenced.

The following table shows the potential impacts of recreational improvements as identified in the “biological resources” section of the EIS/R and the reasons why they are either not applicable to the Moffett Field Bay Trail Improvements Project or will not reach a level of significance.

MOFFETT FIELD BAY TRAIL IMPROVEMENTS PROJECT

<i>Potential Impact caused by increased human presence/public access</i>	<i>Reason potential impact not applicable to Moffett Field Bay Trail Improvements Project <u>or</u> Description of project actions that will ensure impact will never reach a level of significance</i>
-Physical impacts to vegetation (trampling)	N/A because proposed project site is an existing unvegetated levee
<p>-Disturbance to nesting birds, which can result in abandonment of nests and chicks, resulting in decreased reproductive success, and increased predation, particularly of eggs and young</p> <p>-Disturbance leading to decreased abundance or behavioral alteration of non-breeding birds</p> <p>-Disturbance to nesting snowy plovers and other nesting birds</p> <p>-Reduced habitat quality in managed ponds for nesting, roosting and foraging waterbirds</p>	Although the project-level discussion in the EIS/R states that the ponds adjacent to the Stevens Creek-Sunnyvale trail do not support substantial numbers of birds that are sensitive to human disturbance, and although many of the potential impacts will only be applicable when the adjacent ponds are restored, the EIS/R does state that increased recreational access has the potential to impact sensitive species and their habitats, and that these effects would be monitored and managed via an Adaptive Management Plan, implementation of which would ensure that impacts to sensitive species and their habitats do not reach significant levels. With the requirement that a site-specific study be added to the Adaptive Management Plan, and implemented, impacts will be mitigated to a level of insignificance.
-Disturbance in vicinity of nesting California clapper rails and disturbance of breeding pairs	N/A because California clapper rails are not present at the proposed project site.
-Disturbance of birds and wildlife by dogs	Current regulations restricting access of dogs on refuge and state-managed lands in the SBSP Restoration Project Area would not be changed under the Phase I Project, thus ensuring that impacts from dogs will not rise to a level of significance.
-Impacts to other wildlife species such as fish and small mammals	No population-level impacts to fish are expected because any disturbance would be limited by the physical and visual separation of most land-based public access areas; disturbances would

	<p>also be extremely temporary.</p> <p>No population-level impacts to terrestrial mammal species are expected because those species that could potentially be disturbed by human activities are either small species that have abundant vegetative cover, or are regionally-abundant species.</p>
<p>-Impacts to western pond turtles, a breeding population of which is known to occur in the potential project area</p>	<p>Potential impacts will not reach a level of significance because of the project's inclusion of symbolic fencing (post and cable) along the south side of the trail, and educational signage to inform trail users of the presence of the breeding population and to discourage actions that could adversely affect the population at this location (such as the release of non-native pet turtles).</p>

The Conservancy is authorizing disbursement of funds to the Moffett Field Bay Trail Improvements Project subject to the condition that ABAG require the San Francisco Bay Wildlife Society to assure implementation of an additional study appropriate to ensuring that biological resources will not be significantly impacted by the opening of the Moffett Field bay trail segment to the public, as part of the Adaptive Management Plan contained in Appendix D of the EIS/R. With this condition, and subject to the project components listed in the table above, the Conservancy staff concludes that that the proposed project will have a less than significant effect on biological resources.

Public Services, Utilities, Visual, Hydrology, Water Quality, Geology, Cultural Resources, Land Use, Public Health, Socioeconomic and Environmental Justice, Noise.

The proposed project consists of installation of four gates, regulatory and interpretive signs, and two benches; and the changes in use brought about by installation of the improvements. These improvements are limited in number and will be installed on an existing levee. There are thus no anticipated short-term or long-term impacts associated with these issue areas.

Based on the foregoing, Conservancy staff concludes that the project poses no potential for significant environmental impacts. Beyond that, staff notes that the activities under the project for which Conservancy funding is sought would, if not part of a larger project, be categorically exempt from CEQA review. These activities, which are comprised of the placing gravel along portions of the existing trail, installing four gates to limit access to private lands and sensitive habitat areas, and erecting a limited number of regulatory and interpretive signs and two benches on the trail, all likely constitute "minor alternations to land" that are categorically except under 14 California Code of Regulations, Section 15304.

Accordingly, staff recommends that the Conservancy find that the Conservancy has independently reviewed and concurs with the EIS/R prepared and adopted by the California Department of Fish and Game on March 11, 2008, and concludes that there is no substantial evidence that the Conservancy project, as mitigated, may have a significant effect on the environment. Staff will file a Notice of Determination upon the Conservancy's approval of the project.